

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

Roscoe A. Holley

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

-against-

PHH Mortgage Corporation

Merrill Lynch Credit Corporation

"see attached"

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

Complaint for a Civil Case

Case No. 17-1768-RDB

*(to be filled in by the Clerk's Office)*

Jury Trial:  Yes  No  
*(check one)*

INRBB 17 CV 1768

**ATTACHMENT – A**  
(attach to Complaint, page-1)

**Defendants Being Sued:**

PHH Mortgage Corporation

Bank of America, N.A.

Merrill Lynch Credit Corporation

Mortgage Electronic Registration System, Inc.

Federal National Mortgage Association (FNMA)

**I. The Parties to This Complaint**

**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Roscoe A. Holley
Street Address	8001 Corkberry Lane #510
City and County	Pasadena, Anne Arundel County
State and Zip Code	Maryland, 21122-7135
Telephone Number	(301) 802-8052
E-mail Address	scoeholley@aol.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	PHH Mortgage Corporation
Job or Title (if known)	Mortgage Servicer 1st and 2nd Lien note
Street Address	1 Mortgage Way
City and County	Mt. Laurel
State and Zip Code	New Jersey 08054
Telephone Number	(800) 449-8767
E-mail Address (if known)	

Defendant No. 2

Name	<u>Mortgage Electronic Registration System, Inc.</u>
Job or Title (if known)	<u>Nominee for Note Owner</u>
Street Address	<u>P.O. Box 2026</u>
City and County	<u>Flint</u>
State and Zip Code	<u>MI, 48501-2026</u>
Telephone Number	<u>(888) 679-MERS</u>
E-mail Address (if known)	<u>laurindac@mersinc.org</u>

Defendant No. 3

Name	<u>Bank of America, N.A.</u>
Job or Title (if known)	<u>Owner, 2nd position Mortgage Note</u>
Street Address	<u>100 North Tryon Street</u>
City and County	<u>Charlotte</u>
State and Zip Code	<u>NC, 28255</u>
Telephone Number	<u>(800) 934-5626</u>
E-mail Address (if known)	

Defendant No. 4

Name	<u>Merrill Lynch Credit Corporation</u>
Job or Title (if known)	<u>Bank of America Corporation Company</u>
Street Address	<u>840 2 Deer Lake Drive East</u>
City and County	<u>Jacksonville</u>
State and Zip Code	<u>FL, 32246-6484</u>
Telephone Number	<u>(1-904) 218-6000</u>
E-mail Address (if known)	

*(If there are more than four defendants, attach an additional page providing the same information for each additional defendant.)*

**ATTACHMENT - B**  
(attach to page-2, Part-1, B)

Part – 1. **The Parties to This Complaint**

Defendant No. 5

Name Federal National Mortgage Association (FNMA)  
Job or Title (if known) Owner of 1<sup>st</sup> Position Mortgage Note  
Street Address 3900 Wisconsin Ave., N.W.  
City and County Washington  
State and Zip Code District of Columbia, 20016  
Telephone Number (800) 232-6643  
E-mail Address (if known) \_\_\_\_\_

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

- Federal question       Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

n/a

---

---

---

### B. If the Basis for Jurisdiction Is Diversity of Citizenship

#### 1. The Plaintiff(s)

##### a. If the plaintiff is an individual

The plaintiff, (name) Roscoe A. Holley, is a citizen of the State of (name) Maryland.

##### b. If the plaintiff is a corporation

The plaintiff, (name) n/a, is incorporated under the laws of the State of (name) n/a, and has its principal place of business in the State of (name) n/a.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) n/a, is a citizen of the State of (name) n/a. *Or* is a citizen of (foreign nation) n/a.

b. If the defendant is a corporation

The defendant, (name) PHH Mortgage Corporation, is incorporated under the laws of the State of (name) Maryland, and has its principal place of business in the State of (name) New Jersey. *Or* is incorporated under the laws of (foreign nation) n/a, and has its principal place of business in (name) n/a.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (*explain*):

\$10,000,000.00 is sought from the defendants for tort, deceptive and fraudulent mortgage servicing practices; loss of revenue due to defendants' tort, deceptive and fraudulent mortgage servicing practices and , gross neglect of duty and responsibility.

**ATTACHMENT - C**  
(attach to page-5, Part-B (2) (b))

2. **Defendant(s)**

b.1. The defendant is a corporation

The defendant, Federal National Mortgage Association, is incorporated under the laws of the state of Delaware, and has its principal place of business in the state (city) of District of Columbia.

b.2. The defendant is a corporation

The defendant, Bank of America, N.A., is incorporated under the laws of the state of Delaware, and has its principal place of business in the state of North Carolina.

b.3. The defendant is a corporation

The defendant, Merrill Lynch Credit Corporation, is incorporated under the laws of the state of Delaware, and has its principal place of business in the state of North Carolina.

b.4. The defendant is a corporation

The defendant, Mortgage Electronic Registration Systems, Inc., is incorporated under the laws of the state of Delaware, and has its principal place of business in the state of Virginia.

### **III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

**Claim #1 - DECEIT and NEGLIGENT MISREPRESENTATION:** PHH letter dated 10/26/2016 stated deceptive, misleading information regarding the loan servicing.

**Claim #2 - INVALID, ILLEGAL CORPORATE ASSIGNMENT of DEED of TRUST:** Corporate Assignment of Deed of Trust notarized on 02/01/2017 was not executed by borrower, as notarized by Regina D. Brundage & attested by Jacqueline Watkins.

**Claim #3 - ILLEGAL FORECLOSURE:** PHH Mort. Corp. has started foreclosure through Bank of America and Merrill Lynch, which have no interest in the 1st position mortgage note.

**Claim #4 - WHO OWNS THE NOTE:** There has been conflicting information given as to the true owner of the 1st and 2nd position mortgage note, per correspondence from Merrill Lynch dated; 6/22/2016 and, mortgage statement dated; 5-16-2017.

**Claim #5 - CONTINUED INFILCTION OF HARM and WRONGDOING:** PHH Mort. Corp., Bank of America, N.A. and Merrill Lynch Credit Corp. deliberate attempts to avoid mortgage modification by delivering false information dated; 8/18/2016.

**Claim #6 - UNJUST ENRICHMENT:** Interest Only payments were continually collected by PHH Mort. Corp. contrary to its obligation to modify the 2nd lien position payments. Bank of America, N.A.

**Claim #7 - ILLEGAL MORTGAGE SERVICING:** Merrill Lynch is servicing 1st and 2nd position lien mortgage notes it has no interests in. Per 2017 thru 2011 data.

**Claim #8 - RESPA 6 VIOLATION BY SERVICER:** PHH Mortgage Corp. refusal to provide full and timely answers and solutions to QWR per response dated; 08/16/2016.

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. For any request for injunctive relief, explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

Punitive and compensatory damages are requested pursuant to this complaint.

Prior injunctions and sanctions against Defendants for same or similar complaints

for deceptive mortgage practices have been levied by various courts. Actual damage

amounts; prelim. est. = \$77,000.00. Requested exemplary damages = \$9,923,000.00

Total compensation requested by this court is \$10,000,000.00

---

**V. Certification and Closing**

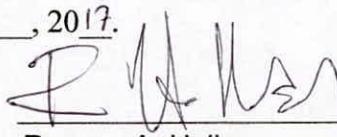
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 6/27, 2017.

Signature of Plaintiff



Printed Name of Plaintiff

Roscoe A. Holley

8001 Corkberry Ln. #510 - Pasadena, MD 21122

(301) 802-8052

*(If more than one plaintiff is named in the complaint, attach an additional certification and signature page for each additional plaintiff.)*

**B. For Attorneys**

Date of signing: \_\_\_\_\_, 20\_\_.

Signature of Attorney

\_\_\_\_\_

Printed Name of Attorney

\_\_\_\_\_

Bar Number

\_\_\_\_\_

Name of Law Firm

\_\_\_\_\_

Address

\_\_\_\_\_

Telephone Number

\_\_\_\_\_

Email Address

\_\_\_\_\_